

Date Mailed
September 12, 2003

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of Wausau Cellular Telephone Company Limited
Partnership for Designation as an Eligible Telecommunications
Carrier in Wisconsin

8250-TI-100

NOTICE REQUESTING COMMENTS

Comments Due: Thursday, September 18, 2003 – Noon	Address Comments To: Lynda Dorr, Secretary to the Commission Public Service Commission P.O. Box 7854 Madison, WI 53707-7854 FAX (608) 266-3957
FAX Due: Wednesday, September 17, 2003 – Noon	

On March 27, 2003, the Commission issued a Notice of Investigation to determine whether to grant Wausau Cellular Telephone Company Limited Partnership the status of Eligible Telecommunications Carrier (ETC) for the exchanges requested in its petition. A list of those exchanges is attached to the Notice of Investigation.

The applicant has requested designation as an ETC in a number of different exchanges, including certain rural exchanges. In nonrural areas, states must designate additional ETCs upon request, if the requesting provider meets the requirements. In rural areas, the state must also determine that it is in the public interest before designating more than one ETC in a rural area.¹ The applicant has requested designation for portions of certain rural service territories. An ETC in an area served by a rural telephone company must generally serve that company's entire service territory, although a company can be designated as an ETC for a smaller area if the Commission approves and the FCC authorizes it.²

Wis. Admin. Code § PSC 160.13 requires ETCs to provide all elements of essential telecommunications service, as defined in Wis. Admin. Code § PSC 160.03. The applicant has requested that the Commission not apply a portion of the list of essential service requirements, specifically all those not duplicated by the shorter list of federal requirements (it has not asked for a waiver of federal requirements). The applicant refers to this as ETC for "federal purposes only." The applicant states that it does not wish to receive state universal service fund support.

¹ 47 C.F.R. § 54.201. Wis. Admin. Code § PSC 160.13(3).

² 47 U.S.C. § 214(5). Wis. Admin. Code § PSC 160.13(2).

While there is nothing in Wis. Admin. Code ch. PSC 160 that explicitly allows a “federal only” ETC designation, the applicant asks the Commission, under the provisions of Wis. Admin. Code § PSC 160.01(2)(b), to adopt different requirements for its operations than are specified for an ETC by Wis. Admin. Code § PSC 160.13.³ This was the approach used when the Commission granted U.S. Cellular ETC status by order of December 20, 2002, in docket 8225-TI-102.⁴

The Commission requests comments on the following issues. The Commission also requests that any comments be divided into sections, with the sections corresponding to the list below.

1. Is the applicant technically capable of providing service in all areas for which the applicant has requested ETC status within a reasonable period of time after receiving a customer request for service?
2. Does or can the applicant propose lifeline and linkup programs that meet either state and federal, or purely federal, guidelines?
3. Does the applicant meet, or fail to meet, requirements for ETC designation other than those listed above?
4. Is it in the public interest to forgo those portions of the essential services list not duplicated by federal rules?
5. What, if any, exceptional or unique circumstances might justify adopting different requirements, pursuant to Wis. Admin. Code § PSC 160.01(2)(b)?
6. Is it in the public interest to designate the applicant as an ETC in each rural exchange for which that status is requested?
7. If ETC designation is granted, should it be granted for parts of service territories?

The Commission requests comments on the above issues. Any party who desires to file comments should submit an original and 20 copies as indicated in the box on page 1. Members of the public need only file an original. These comments must be received **by noon on Thursday, September 18, 2003**. Comments by fax are due one day earlier. Fax filing cover sheets must state “**Official Filing**” and include the docket number and the number of pages (limit of 25 pages). **File by one mode only.**

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the docket coordinator listed below.

³ Wis. Admin. Code § PSC 160.01(2)(b) states: “Nothing in this chapter shall preclude special and individual consideration being given to exceptional or unusual situations and upon due investigation of the facts and circumstances involved, the adoption of requirements as to individual providers or services that may be lesser, greater, other or different than those provided in this chapter.”

⁴ This decision has been appealed.

Docket 8250-TI-100

Questions regarding this matter may be directed to docket coordinator Peter R. Jahn at (608) 267-2338.

Dated at Madison, Wisconsin, _____

By the Commission:

Lynda L. Dorr
Secretary to the Commission

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